

REMARKS

The Examiner has rejected claims 1, 6–9, 11, 13, 14, 25–28, and 30. Claims 2–5, 10, 12, 15–24, and 29 were previously canceled. No claims are being amended herein. As a result, claims 1, 6–9, 11, 13, 14, 25–28, and 30 are pending for examination with claims 1, 6, and 25 being independent.

Rejections under 35 U.S.C. §102

The Examiner has rejected claims 1, 6–9, 11, 13, 14, 25–28, and 30 under 35 U.S.C. §102(b) as being anticipated by Teng (US 6,240,456). Applicants respectfully traverse.

Improper Omnibus Rejections

The Examiner has improperly rejected claims 6–9, 11, 13, 14, 25–28, and 30 in an omnibus rejection. As such, Applicants respectfully request that the Examiner issue a corrected Office Action.

In particular, the Examiner has rejected claims 6–9, 11, 13, and 14 as well as claims 25–28 and 30 as “having substantially the same limitations as the system of claim 1. Therefore, the claims are rejected under the same rationale” (OA, pg. 5, lines 1–6). Applicants respectfully traverse and submit that this amounts to an omnibus rejection in which the claims have been grouped together in one common rejection.

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Applicants point out that such a common rejection is disallowed under MPEP 707.07(d), which states:

“IMPROPERLY EXPRESSED REJECTIONS An *omnibus rejection of the claim “on the references and for the reasons of record” is stereotyped and usually not informative and should therefore be avoided.* This is especially true where certain claims have been rejected on one ground and other claims on another ground. A ***plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.***” (portion MPEP 707.07(d); emphasis added)

Accordingly, the Examiner’s omnibus rejection is improper. As such, Applicants respectfully traverse and request that the Examiner withdraw the rejection and issue a corrected Office Action.

Further, improperly rejected **claims 6–9, 11, 13, 14, 25–28, and 30** include limitations that may be different and unique from those of claim 1. As an example, at least some of the limitations of claims 7–9, 11, and 13–14 are not found in claim 1 (e.g., “user display”, “globally unique identifier”, etc). Accordingly, claims 6–9, 11, 13, 14, 25–28, and 30 cannot be properly rejected as “having substantially the same limitations as the system of claim 1”. As such, Applicants respectfully traverse and request that the Examiner withdraw the rejection and issue a corrected Office Action.

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Rejection of Claim 1

With respect to **claim 1**, the Examiner alleges that Teng teaches “a first communications channel” and “a second communications channel” wherein “the second communication channel is distinct from the first communication channel” and, as support, cited Teng, figure 2 and column 6, lines 1–42. Applicants respectfully traverse.

In particular, referring to Teng and Applicants’ “first communication channel” the Examiner states:

*“The system spooler 64 includes a **system Internet API or sockets driver 66** which provides a means for the network client 20 to communicate with the network server 49 via the Internet 68... The Internet server 70 is linked to a server scripter component 72, such as an Internet Server API (ISAPI) wrapper, which includes a HTTP print server component. A system spooler 74 is connected to the server scripter component 72 **via an API 76** and to the printer 50 which has a URL address assigned thereto”* (OA, pg. 3, lines 11–17; emphasis added)

It is unclear to Applicants what portion of this Teng citation is intended by the Examiner to be the same as Applicants’ claimed “first communication channel”. Considering the possibilities, Applicants submit that an API (Application Programming Interface), such as Teng’s “system Internet API” and “API 76”, is patentably different than the claimed “first communication channel”, as are “sockets driver 66”, “Internet Server API (ISAPI) wrapper”, “system spooler 64”, “Internet server 70”, “server scripter component 72”, “HTTP printer server component”, and “system spooler 74”. Specifically, Applicants’ “first communication channel” is not taught in the cited portion of Teng. Accordingly, Teng cannot be considered to teach Applicants’ claimed “first communication channel”. As such, Applicants respectfully traverse and request that the Examiner withdraw the rejection.

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Further, referring to Teng and Applicants' "second communication channel" the Examiner states:

"If the URL address is detected, *the system spooler 64 will call the system Internet API 66 in step 88 which is responsible for formatting the data pertaining to **the single print job into a Hypertext Transfer Protocol (HTTP) POST request***. In particular, *HTTP is utilized as it is a **protocol*** which is recognized as being supported by the Internet. If the system spooler 64 does not detect an URL address, the system spooler will execute the print job in step 90 according to the normal conventions supported by the operating system which the network client 20 is utilizing', wherein the first communications channel routes data according to the normal conventions, while ***the second communications channel routes data via HTTP POST requests***" (OA, pg. 4, lines 3-11; emphasis added)

As such, Teng teaches "formatting the data pertaining to the single print job into a Hypertext Transfer Protocol (HTTP) POST request". But this is patentably different than Applicants' claimed "second communication channel", which is neither a "protocol" nor a "request". In particular, a "protocol" is patentably different than a "communication channel", and a "request" is patentably different than a "communication channel", though both may, *arguendo*, make use of such a "communication channel". Accordingly, Teng's "HTTP POST request" cannot be considered to be the same as Applicants' "second communication channel". As such, Applicants respectfully traverse and request that the Examiner withdraw the rejection.

Further, the Examiner states, "the second communications channel routes data via HTTP POST requests", thus clearly articulating that HTTP POST request tend to make use of communication channels, but are patentably different than a "communication channel". Further, Applicants submit that Teng does not explicitly teach any kind of

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“communication channel” and, more specifically, Teng does not teach “a first communications channel” and “a second communications channel” wherein “the second communication channel is distinct from the first communication channel”, Accordingly, Teng cannot be considered to teach the features of the claimed invention. As such, Applicants respectfully traverse and request that the Examiner withdraw the rejection.

Accordingly, Applicants submit that independent **claims 1, 6, and 25** are not anticipated by Teng under 35 U.S.C. §102(b). Further, As such, Applicants respectfully request that the Examiner withdraw the rejection.

Claims 7–9, 11, 13, 14, 26–28, and 30 are dependent on claim 1, 6, or 25. As such, claims 7–9, 11, 13, 14, 26–28, and 30 are believed allowable at least in part based upon claim 1, 6, or 25.

Request for Allowance

Accordingly, allowance of the above–referenced application is requested.

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CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

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AMENDMENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: April 28, 2009

By: /L. Alan Collins/

L. Alan Collins, Reg. No.: 57,646
Direct telephone (425) 703-8265
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

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I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 28, 2009
Date

/Noemi Tovar/
Noemi Tovar

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